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US DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA) CASE NO.: 11-CV-00485
LIBERI ET AL,)
PLAINTIFF,) CCCP 425.16 ANTISLAPP
VS.) MOTION TO DISMISS THE CASE
TAITZ AT AL,) AS A SLAPP COMPLAINT
DEFENDANT) HON. ANDREW GUILFORD
) PRESIDING
) DATE 05.23.2011
) TIME 10:00
) COURTROOM 10 D

10 Notice to all parties and their counsel: on May 9, 2011
11 defendants "Defend our Freedoms Foundation" and Orly Taitz will
12 move this court to strike and dismiss above mentioned complaint
13 in its' entirety as a SLAPP action in a special California Rule
14 425.16 antiSLAPP action. This motion will be based on the
15 memorandum of points and authorities below, exhibits attached to
16 this complaint and oral argument.

17 **MEMORANDUM OF POINTS AND AUTHORITIES.**

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7 EXHIBITS:

8 1. EXHIBIT 1 2008 SAN BERNARDINO, CALIFORNIA, CRIMINAL
9 CONVICTIONS RECORD OF 23 CHARGES AND 10 CONVICTIONS OF FORGERY,
10 FORGERY OF OFFICIAL SEAL AND GRAND THEFT OF PLAINTIFF LISA
11 LIBERI in FSB -044914 The People of the State of California v
12 Lisa Liberi Richardson

13 2. Exhibit2 SAN BERNARDINO CALIFORNIA SUPERIOR COURT TRANSCRIPT
14 OF TESTIMONY OF OFFICER LIEBRICH, in FSB-044914 People of the
15 State of CA v Lisa Liberi RICHARDSON ATTESTING TO 19 PRIOR
16 CRIMINAL CHARGES OF PLAINTIFF LISA LIBERI

17 3Exhibit 3 .SWORN DECLARATION OF JEFF STAPLES-FORMER WEB MASTER
18 FOR PHILIP BERG, ATTESTING TO LIBERI'S MANUAL HANDLING OF CREDIT
19 CARD ACCOUNTS OF DONORS.

20 4 Exhibit 4 SWORN AFFIDAVIT OF LINDA BELCHER, FORMER VOLUNTEER
21 RESEARCHER FOR PHILIP BERG.

22 5. Exhibit 5 12.23.2011 ORDER-MEMORANDUM BY JUDGE ROBRENO in
23 Liberi v Taitz.

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26 **TABLE OF AUTHORITIES**

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1 **A. THE ANTISLAPP STATUTE GOVERNS THE DISPUTE**

2
3 "Motion to strike a state law claim under California 's anti-
4 SLAPP statute may be brought in federal court." Vess v. Ciba-
5 Geigy Corp. USA, 317 F. 3d 1097, 1109 (9th cir. 2003). The anti
6 SLAPP statute was enacted to allow for early dismissal of
7 meritless first amendment cases aimed at chilling expression
8 through costly, time consuming litigation." Batzel v Smith, 333
9 F. 3d 1018, 1024 (9th cir. 2003). The statute should be
10 construed broadly," Cal. Civ. Proc. Code §425.16 (a) and
11 interpreted "in a manner favorable to the exercise of freedom of
12 speech, not its curtailment," Briggs v Eden Council for Hope and
13 Opportunity, 19 Cal 4th 1106-1119 (1999).

14
15 **B. DEFENDANTS MET THEIR BURDEN UNDER ANTISLAPP STATUTE**

16 SLAPP is Strategic Legal Action Against Public Participation.
17 Above action, Liberi et al v Taitz et al is a typical SLAPP
18 action filed by the plaintiffs in order to limit public
19 participation and specifically to silence the defendants, who
20 are whistle blowers, about the fact that Pennsylvania attorney
21 Philip J. Berg, is employing as his legal assistant a convicted
22 document forger and thief Lisa Liberi. Berg and Liberi knew at
23 all times that Liberi is indeed a convicted document forger and
24 thief, convicted in San Bernardino, CA. They originally filed
25 this case in Philadelphia, representing that Liberi is an
26 innocent, defamed woman in Pennsylvania, who was slandered and
27 defamed by the defendants. At all times they knew that she was
28 not defamed, that she is indeed a convicted document forger from

1 CA, and that they are harassing the defendants with a SLAPP law
2 suit. In their attempt to cover up Liberi's identity they acted
3 with unprecedented malice and in further pleadings accused the
4 defendants of multiple crimes, maliciously claiming that
5 attorney Taitz tried to hire a hit man to kill Liberi, and for
6 that reason Liberi should not provide her Pennsylvania drivers
7 license, and the court needs to believe her word and proceed in
8 diversity without any documentary evidence. Similarly, they
9 claimed that Plaintiff Ostella was defamed, when Taitz published
10 on her web site, that her former web master Ostella locked Taitz
11 out of the old web site for her foundation, "Defend Our Freedoms
12 Foundation" and replaced Taitz pay pal-account with her own.
13 However, after 12.20.2011 TRO hearing and cross examination of
14 Ostella by Taitz, Ostella conceded that she indeed locked Taitz
15 out of the web site for her foundation and replaced Taitz pay-
16 pal account with her own. (Exhibit 4 12.23.2010 Order and
17 memorandum of judge Robreno).

18 This legal action was filed two years ago on May 4, 2009. It was
19 filed approximately two weeks after Dr. Orly Taitz (hereinafter
20 Taitz), president of "Defend Our Freedoms Foundation" published
21 a report by a licensed investigator Neil Sankey (hereinafter
22 Sankey), that showed that Lisa Liberi (Hereinafter Liberi),
23 legal assistant for Pennsylvania attorney Philip Berg
24 (Hereinafter Berg) has a criminal record of forgery, forgery of
25 official seal and theft. This report was made by Sankey based on
26 information which is easily and readily available in public
27 records.(Exhibit 1). Recently, at a motion hearing in
28 Philadelphia Pennsylvania on 12.20.2010 during cross examination

1 of Liberi by Taitz, Liberi admitted that she is indeed a
2 convicted felon from California.(Exhibit 4) Taitz, also,
3 published true and correct information, that Lisa Ostella,
4 former volunteer web master for "Defend Our freedoms Foundation"
5 (hereinafter "Foundation") has locked Taitz, president of
6 Foundation, out of the old web site for the foundation and
7 replaced Taitz pay-pal account with her own, therefore any
8 donation given to Ostella or via pay-pal on the old web site
9 from mid April would not go to the Foundation, but would go to
10 Ostella. At the same hearing on 12.20.2010 at the cross
11 examination of Ostella, conducted by Taitz, Ostella admitted
12 that she indeed locked Taitz out of the old web site of her
13 foundation and replaced Taitz pay pal account with her own.

14 Two weeks after publication Liberi, Berg, Law offices of Philip
15 Berg,Ostella, Go Excel Global(business name of Ostella) and
16 Evelyn Adams a/k/a Momma E filed a legal action in the Eastern
17 District of Pennsylvania against 14 named defendants and 200
18 unnamed defendants. Nature of the suit is listed as 320 Assault,
19 Libel, Slander. Jurisdiction-diversity. In this law suit
20 Plaintiffs sued all the whistle blowers, who blew the whistle on
21 Liberi, Ostella, Berg and Adams. The complaint is an
22 incomprehensible 81 page mish-mash of allegations against 14
23 individuals and entities. In a nut shell Plaintiffs claimed that
24 they were defamed by the publication of the above facts. They
25 attempted to create an impression that Lisa Liberi, who works
26 with attorney Berg is a different Lisa Liberi, not a convicted
27 felon from California. Plaintiffs attempted to create this
28 impression by posting Attorney Berg's business address in PA as

1 Liberi's address. They further made malicious, fraudulent
2 accusations, that Liberi's address cannot be disclosed because
3 she is afraid for her life because attorney Taitz tried to hire
4 a hit-man to kill her. Exhibit 4, last order by judge Robreno in
5 Eastern District of PA shows that Berg, Liberi and Ostella were
6 "evasive on the stand and not believable as witnesses". Judge
7 Robreno found no foundation and no value in plaintiff's
8 accusations and allegations and claims that Taitz tried to
9 hire a hit-man to kill Liberi.

10 **C. CLAIM ARISES OUT OF AN ISSUE OF PUBLIC INTEREST**

11 Plaintiff's complaint stems from an act made in connection with
12 a public issue or an issue of public interest, in furtherance
13 of Defendants' right of free speech under the United States or
14 California Constitutions. Civ Proc Code §425.16(b)(1).

15 In 81 pages of complaint with a mumbo jumbo of bare slanderous
16 allegations against 14 named defendants and 200 unnamed
17 defendants, there are only limited statements/publications, that
18 can be attributed to the defendants. and those were clearly made
19 in public interest:

20 **1. Defendants published criminal record of Lisa Liberi**

21 Taitz is a president of the "Defend our Freedoms foundation".
22 Volunteer web master Ostella locked Taitz out of the web site of
23 her foundation and changed the code on the web site and replaced
24 Taitz pay-pal account with her own. At the same time Ostella
25 used "Defend our Freedoms foundation" web site to defame Taitz
26 and promote another attorney, Philip J. Berg. Berg is engaged in
27 nation wide fundraising and employing as his assistant Lisa
28 Liberi, who has 26 criminal felony charges and at least 10

1 felony convictions of theft, forgery of documents and forgery of
2 official seal in CA alone. (Exhibit 1) and 19 prior criminal
3 charges (Exhibit 2). Berg is submitting to multiple courts
4 documents prepared by this assistant. It was in public interest
5 to alert the public , that Taitz was locked out of her old web
6 site and that it is being used to promote another attorney,
7 whose assistant has an extensive criminal record. As members of
8 the public were donating to Berg, they had to be warned that a
9 person with theft convictions is working as an assistant for
10 that attorney. Exhibit 3 and Exhibit 4 Affidavit of Linda
11 Belcher, former researcher for Berg, and signed letter from
12 Jeoff Staples, former web master for Berg attest to Liberi's
13 handling of credit card information of donors. This is an
14 important issue of public interest, and an effort, by Taitz, who
15 is the president of foundation and an officer of the court to
16 protect the donors against possible theft. Additionally, as Berg
17 was filing multiple documents in different courts, it was
18 important to warn members of the public, that some of the
19 documents could not be genuine, considering the fact that his
20 assistant has convictions of forgery of documents and forgery of
21 an official seal. Such publication by Taitz was truthful,
22 privileged and entirely in public interest. In the ocean of
23 slander and hearsay by the plaintiffs, there are a few specific
24 statements, attributed to the defendants, all of which are
25 truthful statements made properly in public interest.

26 a. Complaint ¶57 represents a letter from Taitz to Berg, where
27 Taitz, believing that Berg is not aware of Liberi's record,
28 alerted Berg that according to a licensed investigator Sankey,

1 Berg's assistant Lisa Liberi has an extensive criminal record.
2 This is a statement made on issue of public interest, namely the
3 fact that an assistant for an attorney has an extensive criminal
4 record.

5 b. ¶66 alleged statement, where Taitz provides the public with
6 information regarding Liberi's probation officer. This is a
7 statement made on issue of public interest. If a convicted
8 forger and thief works with someone, who does nation wide
9 fundraising and has access to credit cards of multiple donors,
10 it is in public interest to alert her probation officer.

11 c.¶67 Quotes a comment Taitz allegedly made on her web site,
12 where she alerts her donors of Liberi's criminal record-
13 statement made in public interest.

14 d. ¶69 April 21 2009 alleged notation by Taitz on the new web
15 site of her foundation actually makes the case for the
16 defendants. Complaint states that Taitz sent an e-mail to Phil
17 Berg, describing Liberi's criminal record (true copy of this
18 record is in exhibit 1). Complaint quotes Taitz describing her
19 motivations, which are completely proper motivations in public
20 interest:"I believe Mr. Berg should not be using a person with
21 such past in his fund raising efforts and legal practice and
22 should issue a statement advising the donors and supporters,
23 that Ms. Lisa Liberi is no longer employed by him or his
24 foundation and that he is reviewing his donations and all legal
25 records handled by Ms. Liberi. I believe the donors to Mr. Berg
26 foundation should get assurances that their donations were used
27 for litigation and the cause and not to reimburse victims of Ms.
28 Liberi's prior schemes..." The plaintiffs in their own complaint

1 are making a case for this court to grant judgment for the
2 defendants on their AntiSLAPP, as such statements by the
3 defendant Taitz is a true and correct statement made on an issue
4 of public interest"

5 **2. Defendants published information in regards to web master**
6 **Lisa Ostella's actions in locking Taitz out of the web site for**
7 **her foundation.**

8 Yet again all of these statements are proper statements made in
9 public interest to advise the donors that former volunteer
10 webmaster Lisa Ostella locked Taitz, president of "Defend Our
11 Freedoms Foundation" out of the old web site for her foundation
12 and replace Taitz pay-pal account with her own, therefore the
13 donors will be advised that their donations will not go to the
14 foundation, but would go to Ostella. Not only it is permissive
15 and in public interest, but Taitz, as the president of the
16 foundation was obligated to provide the donors with this
17 information. As donors don't frequent the web site on a daily
18 basis, it was proper to post such reminders, and it was in
19 public interest to warn donors.

20 As a matter of fact in ¶44 Ostella admits that she locked Taitz
21 out and " Ostella changed the Pay-Pal script in the donations
22 button to reflect her own account and removed Taitz's accounts
23 from the sites" and an order and memorandum of judge Robreno
24 states that Ostella conceded on the stand that she locked Taitz
25 out and replaced the paypal account. Plaintiff provided several
26 alleged statements by Taitz, which state exactly that. ¶¶62,
27 67,68, 69 provide the same statement made on the issue of
28 public interest, that a volunteer webmaster locked the president

1 of the foundation out of the web site for her foundation and
2 replaced the pay-pal account of the foundation with her
3 personal pay-pal account, whereby the donations will not go to
4 the foundation, but would go to that former volunteer webmaster.
5 Not only it was proper for the defendants to make such
6 statements, but Taitz, as the president of the foundation, had
7 an obligation to warn her supporters and donors. ¶62 "she
8 (Ostella) locked me out of my own foundation site and refuses to
9 give me the access codes." ¶68 " My former web master Lisa
10 Ostella has created an account that she called Defend Our
11 Freedoms Network and is soliciting donations, praying on
12 unsuspected readers that would not notice the difference between
13 Defend Our Freedoms Foundation and Defend our Freedoms Community
14 Please notice, your donations there will not go to the
15 foundation, they will go to her personal bank account, connected
16 to her personal e-mail address GoExcelGlobal". These are
17 statements made in connection with an issue of public interest,
18 specifically, where donations will go. Since defendants met
19 their initial anti-SLAPP burden, the burden shifts to the
20 Plaintiff- to establish, "**by competent and admissable evidence,**"
21 a reasonable probability that the plaintiff will prevail on his
22 claims at trial"

23
24 **C. PLAINTIFFS MUST ESTABLISH THAT THEY WILL PREVAIL ON**
25 **THEIR CLAIMS**

26 **1. THIS WHOLE CAUSE OF ACTION FAILS AND HAS TO BE**
27 **DISMISSED UNDER FRCP 12(B)1**
28

1 Prior to addressing the specific counts of the complaint the
2 Defendants assert that the complaint was filed in federal court
3 frivolously in violation of section 12b(1) of Federal rules of
4 Civil Procedure. This legal action was filed based on diversity
5 of citizenship Federal Rule of Civil Procedure 12(b)1 provides
6 for dismissal of a complaint for lack of subject matter
7 jurisdiction. Any doubt as to whether jurisdiction exists is
8 normally resolved against a finding of such jurisdiction. Kantor
9 v. Wellesley Galleries, ltd 704 F2d 1088, 1092 (9th cir.1983.)
10 Because federal courts are courts of limited jurisdiction, it is
11 "presumed that a cause lies outside this limited jurisdiction,
12 and the burden of establishing the contrary rests upon the party
13 asserting jurisdiction." Vacek v United states postal service
14 447 F3d 1248, 1250 (9th Cir 2006) (quoting Kokkonen v Guardian
15 life Ins. Co.of Am 511 US. 375, 377 (1994) (citation omitted)).
16 For diversity of citizenship Plaintiffs were supposed to provide
17 documentary evidence of state citizenship of the parties at the
18 time this legal action was filed, in order to show that the
19 parties were diverse.

20 **JURISDICTION IS ALWAYS BEFORE THE COURT AND THE COURT**
21 **HAS A DUTY TO DISMISS A CASE, WHERE IT HAS NO**

22 **JURISDICTION**

23 In a recent case of S. Freedman and Company, inc v Marvin Raab
24 et al # 05-1138 (from NJ #04-cv-01119) Third Circuit court
25 judges Honorable Barry, Smith and Aldisert found that under
26 precedent of Gould Electronics, inc v United states, 220 F. 3d
27 169, 176 (3d Cir.2000) Third Circuit court of Appeals had
28 jurisdiction to review under 28 U.S.C. §1291 the issue of
subject matter jurisdiction as a basis for dismissal of the
case. Third Circuit court of Appeals also found that a District
Court has a duty to raise doubts about its jurisdiction at any
time, and the party asserting jurisdiction "bears the burden of

1 showing that the case is properly before the court at all
2 stages of litigation". Packard v Provident National Bank, 994
3 F. 2d 1039, 1045 (3d Cir. 1993) and similarly J& R Ice cream
4 Corp. v. California Smoothie Licensing, 31 F. 3d 1259, 1265 n.3
5 (3rd Cir 1994).

6 In its' opinion in Freedman v Raab Third Circuit proceeded to
7 expand and reiterate that "the basis upon which jurisdiction
8 depends must be alleged affirmatively and distinctly and cannot
9 be established argumentatively or by mere inference 5C. Wright
10 & A. Miller, Federal Practice and Procedure §1206, at 78-79
11 (1969 & Supp. 2005); Thomas v Board of Trustees, 195 U.S. 207,
12 210 (1904) (holding that diversity jurisdiction, "or the facts
13 upon which, in legal intendment, it rests, must be distinctly
14 and positively averred in the pleadings, or should appear
15 affirmatively and with equal distinctness in other part of the
16 record"); Joiner v. Diamond M Drilling Co., 677 F. 2d 1035,
17 1039 (5th Cir 1982)

18 ("In order to adequately establish diversity jurisdiction, a
19 complaint must set forth with specificity a corporate party's
20 state of incorporation and its principal place of business).
21 "Fedco's bald allegations that the corporate parties are
22 citizens of certain states are insufficient to carry its burden
23 of pleading the diversity of the parties."

24 In cases in which jurisdiction is based on diversity of
25 citizenship, plaintiff has burden to show, first, that
26 applicable statute confers jurisdiction, and, second, that
27 assertion of jurisdiction is consonant with constitutional
28 limitations of due
process. Weight v Kawasaki Motors Corp. (1985, ED Va) 604 F
Supp 968.

19 **Party's mere allegation of diversity cannot satisfy its burden**
20 **of establishing district court's jurisdiction; citizenship of**
21 **each real party in interest must be established by preponderance**
22 **of evidence.** Roche v Lincoln Prop. Co. (2004, CA4 Va) 373 F3d
610.

23 Complaint alleging that defendant's corporate citizenship was in
24 a state other than California but failing to allege that
25 plaintiffs were all citizens of California was not sufficient to
26 give District Court jurisdiction since pleadings did not
27 otherwise resolve issue of citizenship. Bautista v Pan American
28 World Airlines, Inc. (1987, CA9 Cal) 828 F2d 546, 126 BNA LRRM
2559, 107 CCH LC P 10159.

In Olsen v Quality Continuum Hospice, Inc. (2004, DC NM) 380 F
Supp 2d 1225

1 Court lacked jurisdiction over patient's claims because he
2 failed to establish diversity jurisdiction because at time he
3 filed complaint both he and hospice were citizens of State; also
4 patient only sought \$ 10,000 in cost and unspecified amount for
5 other damages, which did not meet amount in controversy

6 In *McMann v. Doe* (2006, DC Mass) 460 F Supp 2d complaint against
7 **John Doe defendant alleging Internet defamation was dismissed**
8 **for lack of subject matter jurisdiction because there was risk**
9 **that if John Doe's identity were discovered there could have**
10 **been no diversity, and court's jurisdictional authority would**
11 **have disappeared;** court declined to read amended language of 28
12 USCS § 1441 into 28 USCS § 1332 because it would have
13 accomplished much broader result of allowing case with only one
14 party and only state law claims to proceed initially in federal
15 court *Olsen v Quality Continuum Hospice, Inc.* (2004, DC NM) 380 F
16 *Supp 2d 1225.*

17 In motorist's personal injury lawsuit against, inter alia,
18 owners of property adjacent to private railroad-track crossing
19 where car-train accident occurred, pursuant to 28 USCS §
20 1447(d), appellate court lacked jurisdiction to review remand
21 that implicitly was based on lack of subject matter
22 jurisdiction; district court clearly was addressing
23 jurisdictional issues--diversity of citizenship, 28 USCS § 1332,
24 and fraudulent joinder--and when doing so, it properly declined
25 to decide doubtful question of state law and, instead, resolved
26 ambiguity (lack of state law directly on point) in motorist's
27 favor. *Filla v Norfolk & Southern Ry.* (2003, CA8 Mo) 336 F3d
28 806.

Where record creates doubt as to jurisdiction, trial court must
determine whether there are adequate grounds to sustain its
jurisdiction over subject matter. *Shahmoon Industries, Inc. v*
Imperato (1964, CA3 NJ) 338 F2d 449, 9 FR Serv 2d 12B.22, Case
2.

Court has duty to look to its own jurisdiction and lack of
subject matter jurisdiction may be asserted by court, sua
sponte, at any time. *Jeter v Jim Walter Homes, Inc.* (1976, WD
Okla) 414 F Supp 791.259. decided by a preponderance of
evidence.

Plaintiffs refused to provide drivers license or an ID card to
show the state citizenship of the lead plaintiff Lisa Liberi.
Defendants provided Liberi's criminal record from the San
Bernardino, California court, showing Liberi being on probation

1 under supervision of the San Bernardino, California probations
2 department, allowed to reside only in California or New Mexico,
3 not in any other state, not in Pennsylvania. Taitz demanded to
4 see Liberi's proof of state citizenship. Originally Plaintiffs
5 claimed that they showed Judge Robreno Liberi's drivers license
6 during 08.07.2009 motion hearing. Taitz was not able to attend
7 this hearing and requested the transcript. On July 30, 2010
8 Plaintiffs filed an emergency motion, where they demanded to
9 keep the transcript sealed and accused the defendant and
10 attorney for the defendants Taitz of trying to hire a hit man to
11 kill Liberi and claimed that for this reason the transcript
12 needs to be sealed. Judge Robreno ordered the transcript
13 released to Taitz. The transcript showed that the Plaintiffs did
14 not provide Liberi's drivers license, and actually during the
15 hearing judge Robreno ordered Liberi and her attorney Berg TO
16 FILE LIBERI'S DRIVERS LICENSE WITH COURT. The docket shows that
17 Liberi and Berg NEVER FILED LIBERI'S DRIVERS LICENSE. As
18 Plaintiffs never filed any documentary evidence of Liberi's
19 state citizenship, this legal action has to be dismissed under
20 12b1, as the plaintiffs did not provide documentary evidence of
21 state citizenship of the party to the action, necessary for the
22 court to assume jurisdiction in diversity, and the court does
23 not have jurisdiction over the case. This case was frivolously
24 filed in the federal court and specifically in the federal court
25 in Pennsylvania simply to intimidate the defendants and try to
26 silence them.

27 COMPLAINT IN ITS' ENTIRETY FAILS UNDER 12(B)6
28 FAILURE TO STATE A CLAIM UPON WHICH A RELIEF CAN BE GRANTED

1 A court should dismiss a complaint when its allegations fail to
2 state a claim upon which relief can be granted. Fed. R. Civ Pr.
3 12(b)(6). A complaint must allege "sufficient factual matter,
4 accepted as true, to state a claim to relief that is plausible
5 on its face." Iqbal, 129 S. Ct at 1949 (quoting Twombly, 550
6 U.S. at 570). A court should not accept "threadbare recitals of
7 a cause of action's elements, supported by mere conclusory
8 statements" *id.*, or "allegations that are merely conclusory,
9 unwarranted deductions of fact or unreasonable inferences"
10 Spewell v Golden State Warriors, 266 F3d 979, 988 (9th
11 Cir.2001). A pleading, that fails to meet such standard, may be
12 dismissed with prejudice Schmidt v Hermann 614 F. 2d 1221, 1223
13 (9th Cir 1980).

14 **COUNT 1**

15 In count one plaintiff Liberi is suing under Violation of the
16 First Amendment and Fourteenth amendment of the U.S.
17 constitution and California Civil Procedure §1798.81
18 The allegations are completely frivolous.
19 Plaintiffs are claiming violation of First and Fourteenth
20 amendment, but do not provide a shred of evidence, explaining
21 what part of the 1st or 14th amendment was violated and how it
22 was violated. They are talking about the fact that defendant
23 Taitz posted a report by Sankey, showing Liberi's criminal
24 record. They do not explain, how does this represent a
25 violation of the 1st and 14th amendment. First Amendment and
26 14th amendment (as it relates to the states) guarantees to
27 citizens a freedom of speech, press, religion and redress of
28 grievances against infringement on such right by the Federal

1 government, as it relates to the 1st amendment and infringement
2 by the State government as it relates to the 14th amendment.

3 Taitz is not a federal or state government, she is an
4 individual.

5 "Defend our Freedoms foundation" is not a federal government, it
6 is a private, not for profit foundation, so this cause of action
7 does not relate to them. Additionally, Plaintiffs did not show a
8 shred of evidence that will point out and explain, how did Taitz
9 or "Defend our Freedoms" private, not for profit foundation
10 infringed upon any freedoms guaranteed to the Plaintiffs. How
11 did Taitz or "Defend Our Freedoms Foundation" prevented the
12 plaintiffs from exercising their Constitutionally guaranteed
13 rights.

14 This part of the complaint is totally frivolous, represents
15 impossibility as a matter of law and needs to be dismissed with
16 prejudice and without leave to amend.

17 Second part of count one relates to CA Civil Procedure §1798.81,
18 which is equally bizarre and insane. This statute relates to
19 businesses which maintain private information of their
20 customers.

21 1798.81. A business shall take all reasonable steps to dispose,
22 or
23 arrange for the disposal, of customer records within its custody
24 or
25 control containing personal information when the records are no
26 longer to be retained by the business by (a) shredding, (b)
27 erasing,
28 or (c) otherwise modifying the personal information in those
records
to make it unreadable or undecipherable through any means.

1 Again, this statute is totally inapplicable to Taitz or "Defend
2 our Freedoms Foundation".

3 Taitz is an individual.

4 Defend Our Freedoms foundation is a private, not for profit
5 foundation.

6 Plaintiffs refer to the information regarding Lisa Liberi,
7 claiming that publication of Liberi's information represents
8 violation of §1798.81, however Lisa Liberi was never a customer
9 of either Taitz or "Defend Our Freedoms" foundation, and this
10 statute relates only to violations by businesses, which maintain
11 private information of their customers.
12

13 Lastly, information published by Taitz, was a public criminal
14 record of Liberi, which is public information, not private.
15

16 Even, if arguendo, any information published, was private, the
17 Plaintiffs could not sue the Defendants under CA Civ Pro
18 §1798.81, as it does not relate to Defendants.
19

20 Further Plaintiffs quote §1798.84 sections b-g and conveniently
21 omit section (a) and attempt to manipulate and defraud the court
22 by implying that those sections are somehow relevant to the
23 defendants. When one reads §1798.84.a-g it clearly shows that it
24 is part of the same §1798, which relates to businesses
25 maintaining private information of their business customers.
26 again, as explained 1798.84. (a) Any waiver of a provision of
27 this title is contrary to
28

public policy and is void and unenforceable.

(b) Any **customer injured by a violation of this title may institute a civil** action to recover damages.

This claim **fails as a matter of law**, as such it needs to be dismissed with prejudice without leave to amend.

Further on towards the end of the pleading for count one, in ¶ 141 in their desperate attempt to silence the Defendants-whistle blowers and prevent further disclosure to the public of the fact that attorney Berg is working with a convicted document forger, who drafts his pleadings, Plaintiffs simply listed multiple statutes, threw in a pile a number of federal and state statutes from different states without any connection to the defendants and without any explanation, how do those statutes relate to the defendants and represent viable causes of action. The pleading is so deficient, that it can't even be called a legal pleading. Iqbal, 129S.Ct at 1940(citing Twombly, 550 U.S. at 556 states that the court should not accept "threadbare recitals of a cause of action's elements, supported by mere conclusory statements. here the Plaintiffs did not even list the elements. They simply list a dozen statutes, one after another, none of which has any connection to the defendants. As such those claims need to be dismissed with prejudice and without leave to amend. The statutes are as follows:

a. Social security act. Plaintiff accused Defendants of Violating Social security act, but did not plead any specific act or any explanation, how did the Defendants